



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5357-99

3 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 20 April 1944 and served until you were honorably discharged on 13 May 1946. On 8 August 1946 you enlisted in the Regular Navy for two years. The record shows that during 1948 you received nonjudicial punishment and were convicted by a deck court and two summary courts-martial. Your offenses were four periods of unauthorized absence totaling about 36 days. You received a general discharge on 11 August 1948. On 4 January 1949 you reenlisted in the Navy and served until you were honorably discharged on 13 December 1952.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your two periods of honorable service and your contention that your unauthorized absences were caused by the necessity of caring for your critically ill mother. The Board found that these factors and contentions were not sufficient to warrant recharacterization of the general discharge issued on 11 August 1948. Regulations in effect at the time precluded the issuance of an honorable discharge to anyone convicted by two summary courts-martial. Since you have been treated no differently than others who were

convicted by two summary courts-martial, the Board concluded that the general discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You are entitled to veterans benefits available to any other honorably discharged veteran. Therefore, if you have questions concerning benefits you should contact the Department of Veterans Affairs.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director